

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Simpson, et al.

Group Art Unit: 2157

Serial No.: 09/998,996

Examiner: El Chanti, Hussein

Filed: November 15, 2001

Docket No. 10007672-1

For: **System and Method for Accessing Network Services**

THIRD APPEAL BRIEF IN RESPONSE TO NOTIFICATION OF
"NON-COMPLIANT" APPEAL BRIEF

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Notice of Non-Compliant Appeal Brief mailed March 8, 2007 has been carefully considered. Applicant submits this Third Appeal Brief in response.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 5, 7, and 15-19 have been canceled leaving claims 1-4, 6, 8-14, and 20-43 remaining. Each of those claims stand finally rejected. No claims have been allowed. The final rejections of claims 1-4, 6, 8-14, and 20-43 are appealed.

IV. Status of Amendments

This application was originally filed on November 15, 2001, with nineteen (19) claims. In a Response filed March 3, 2005, Applicant amended claims 1-4, 6, 8-14, added new claims 20-43, and canceled claims 5, 7, and 15-19. Although Applicant submitted further Responses, no other claim amendments were submitted.

All of the above-identified amendments have been entered and no other amendments have been made to any of claims 1-4, 6, 8-14, and 20-43. The claims in the attached Claims Appendix (see below) reflect the present state of those claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Beginning with the independent claims, independent claim 1 describes a method for printing on a local printing device using a network-based printing service associated with the local printing device. The method comprises obtaining a network address of the network-based printing service. *Applicant's specification*, page 26, lines 5-7; Fig. 8, item 806. In some embodiments, the network address is obtained using an imaging extension or a direct connection manager, and the address comprises a URL of the service. In cases in which the printing service is hosted by a printing device, the address can be obtained by querying the printing device.

The method of claim 1 further comprises designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received. *Applicant's specification*, page 26, lines 14-16; Fig. 8, item 808. In some embodiments, the default destination designation is used such that a user browser will be redirected to the printing service when a print command is selected.

The method of claim 1 further comprises receiving a print command provided to an imaging service with the user browser. *Applicant's specification*, page 27, lines 16-19; Fig. 9, item 900. In some embodiments, the print command can be selected from a network-based imaging service that was used to access and/or create the image data that is to be printed.

The method of claim 1 further comprises automatically redirecting the user browser to the network-based printing service. *Applicant's specification*, page 27, lines 19-24; Fig. 9, item 902. In some embodiments, the redirection occurs in response to the user selecting the print command from the above-mentioned network-based imaging service.

The method of claim 1 further comprises accessing image data from a personal imaging repository with the network-based printing service. *Applicant's specification*, page 28, lines 10-11; Fig. 9, item 904. In some embodiments, the image data to be printed is stored in the personal imaging repository by the user and accessed by the printing service to which the user browser was redirected after the print command was selected.

Finally, the method of claim 1 further comprises initiating a print job on the local printing device with the network-based printing service. *Applicant's specification*, page 28, line 24 to page 29, line 2; Fig. 9, item 912. In some embodiments, the initiating can be facilitated by a graphical user interface served by the printing service. With that graphical user interface, the user can select the various printing options and then cause printing to commence.

Independent claim 10 describes a system (300, Fig. 3; 400, Fig. 4) for printing on a local printing device using a network-based printing service associated with the local printing device. The system comprises means for obtaining a network address of the network-based printing service. *Applicant's specification*, page 26, lines 5-7; Fig. 8, item 806. As described above, in some embodiments the network address is obtained using an imaging extension or a direct connection manager, and the address comprises a URL of the service. In cases in which the printing service is hosted by a printing device, the address can be obtained by querying the printing device.

The system of claim 10 further comprises means for designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received. *Applicant's specification*, page 26, lines 14-16; Fig. 8, item 808. As described above, in some embodiments the default destination designation is used such that a user browser will be redirected to the printing service when a print command is selected.

The system of claim 10 further comprises means for automatically redirecting the user browser to the network-based printing service when a print command is received by an imaging service via the user browser. *Applicant's specification*, page 27, lines 19-24; Fig. 9, item 902. As described above, in some embodiments the redirection occurs in response to the user selecting the print command from the above-mentioned network-based imaging service.

The system of claim 10 further comprises means for accessing image data from a personal imaging repository with the network-based printing service. *Applicant's*

specification, page 28, lines 10-11; Fig. 9, item 904. As described above, in some embodiments the image data to be printed is stored in the personal imaging repository by the user and accessed by the printing service to which the user browser was redirected after the print command was selected.

The system of claim 10 further comprises means for initiating a print job on the local printing device with the network-based printing service. *Applicant's specification*, page 28, line 24 to page 29, line 2; Fig. 9, item 912. As described above, in some embodiments the initiating can be facilitated by a graphical user interface served by the printing service. With that graphical user interface, the user can select the various printing options and then cause printing to commence.

Turning to the dependent claims, dependent claim 4 specifies that designating a network-based printing service address as a default destination in claim 1 comprises updating a record of a current default destination with an imaging extension. For example, the imaging extension 310 can maintain an internal record of the current default destination such that, when called upon by the generic access instructions 308 that are downloaded into the browser 304, the user's browser 304 will be redirected directly to the print service of the local print device when a "print" command is selected. *Applicant's specification*, page 26, lines 17-22; Figure 3, item 310.

In dependent claim 6, designating a network-based printing service address as a default destination in claim 1 comprises instructing a personal imaging repository that stores image data available for printing to designate the network-based printing service address as the default destination. For example, the direct connection manager 420 can have communicated with the personal imaging repository 320, e.g., the user profile

326, to instruct it that the current default destination is the print service of the local printing device and provide its address, in effect overriding the preferred printing destination stored within the repository. *Applicant's specification*, page 26, line 22 to page 27, line 2; Figure 4, item 420.

In dependent claim 9, the method of claim 1 further comprises removing the designation of the network-based printing service address as a default destination when a connection between the client device and the local printing device is severed. As described in Applicant's specification, the default destination will continue to be the temporary print destination until such time when the direct connection between the client device 302 and the local printing device is severed. At that time, the designation of the temporary print destination as the default destination is removed. Normally, the removal of the designation entails the reverse of the procedure used in block 810. *Applicant's specification*, page 27, lines 3-13; Figure 8, block 814.

In dependent claim 20, the network-based printing service described in claim 1 is hosted by a local printing device. *See, e.g., Applicant's specification*, page 26, lines 5-8.

In dependent claim 22, obtaining a network address of the network-based printing service comprises obtaining the address from an imaging extension. For example, the imaging extension 310 may be configured to detect when wireless communications (e.g., via radio frequency (RF) or infrared (IR transmissions)) have been established between the client device 302 and a local device. *Applicant's specification*, page 11, 14-16; Figure 3, item 310.

In dependent claim 24, the network-based printing service described in claim 1 is hosted by a remote network server. *Applicant's specification*, page 8, lines 6-15; Figure 2, item 208.

In dependent claim 26, obtaining a network address of the network-based printing service in claim 1 comprises obtaining the network address from a direct connection manager that executes on the client device. For example, the device 302 can include a direct connection manager 420 that is configured to detect when a direct connection has been established with a local device. The direct connection manager 420 can determine that the client device 302 is directly connected to a local web-enabled printing device. In such a case, the direct connection manager 420 can further be configured to provide the address (e.g., URL) of a network service associated with the local device to the personal imaging repository 320 (i.e., user profile 326) to permit the user to more directly access the service. *Applicant's specification*, page 16, lines 11-19; Figure 4, item 420.

In dependent claim 27, the direct connection manager of claim 26 obtains the network address by querying the local printing device. *Applicant's specification*, page 26, lines 9-10.

In dependent claim 28, the imaging extension of claim 4 comprises part of the user browser. *Applicant's specification*, page 9, lines 23-24; Figure 3, items 304 and 310.

In dependent claim 29, wherein the imaging extension of claim 4 executes on a remote network server. *Applicant's specification*, page 13, line 21 to page 14, line 19; Figure 4, items 412 and 418.

In dependent claim 31, the imaging extension of claim 30 comprises part of the user browser and accessing image data further comprises downloading generic access instructions from the network-based printing service to the imaging extension to call on the imaging extension to access the personal imaging repository. *Applicant's specification*, page 9, lines 13-24; Figure 3, items 304 and 310.

In dependent claim 32, the imaging extension of claim 31 comprises at least one application programming interface (API). *Applicant's specification*, page 10, lines 5-7.

In dependent claim 33, the imaging extension of claim 30 executes on a remote network server. *Applicant's specification*, page 13, line 21 to page 14, line 19; Figure 4, items 412 and 418.

In dependent claim 34, the imaging extension of claim 33 comprises at least one application programming interface (API). *Applicant's specification*, page 10, lines 5-7.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejections are to be reviewed on appeal:

1. Claims 1 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claims 1-4, 6, 8-14, and 20-43 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Savitzky, et al.* ("Savitzky," U.S. Pat. No. 6,012,083).

VII. Arguments

The Appellant respectfully submits that Applicant's claims are not anticipated under 35 U.S.C. § 102, and respectfully requests that the Board of Patent Appeals overturn the final rejections of those claims at least for the reasons discussed below.

A. Improper "FINAL" Office Action

In the final Office Action, the Examiner stated that the Office Action was "responsive to amendment received on March 7, 2005" and that Applicant's "amendment" "necessitated the new ground(s) of rejection." *Final Office Action* of February 10, 2006, page 8. In view of that, the Office Action was made "FINAL." *Id.*

Applicant asserts that the Examiner has conveniently chosen to disregard the prosecution that has occurred in the instant patent application over the course of nearly one full year to fabricate a reason to make final an Office Action that clearly could not have properly been made final. The history of Applicant's Responses is provided below:

<u>Date</u>	<u>Action Taken</u>
Jan. 12, 2005	Examiner issues non-final Office Action
<i>Mar. 3, 2005</i>	<i>Applicant files Response containing claim amendments</i>
Jul. 1, 2005	Examiner issues FINAL Office Action
Sep. 1, 2005	Applicant files Response containing no claim amendments

Sep. 20, 2005	Examiner issues Advisory Action
Oct. 10, 2005	Applicant files Pre-Appeal Brief
<i>Feb. 10, 2006</i>	<i>Examiner issues FINAL Office Action</i>
Mar. 30, 2006	Applicant files Response containing no claim amendments
May 5, 2006	Examiner issues Advisory Action

As can be readily appreciated from the above, the Examiner chose to look back to the amendments made by Applicant in Applicant's *first* Response back on March 3, 2005 to deem an Office Action that was issued nearly a year later, on February 10, 2005, final. In so doing, the Examiner has ignored the filing of an interim Response and a Pre-Appeal brief, both of which contained no amendments whatsoever.

The clear truth in this case is that the Examiner has acted improperly. Although an amendment that would have been presented in Applicant's Response of September 1, 2005 could have provided grounds for the Examiner changing his rejection and making his February 10, 2005 Office Action final, Applicant made no such amendments. Instead, the Examiner simply changed his mind as to the propriety of his prior art rejections, unilaterally changed the rejections, and made his Office Action final, all without Applicant having made a single new amendment in nearly a year. The Examiner has, in effect, denied Applicant a "full and fair hearing" prior to appeal. See MPEP § 706.07.

Applicant presents this information to the Board of Patent Appeals and Interferences ("the Board") given that Applicant believes that this information is

indicative of the Examiner's course of conduct in examining the instant application and may be relevant in judging the propriety of his outstanding rejections. In that regard, Applicant identified the impropriety of the final status to the Examiner in Applicant's last Response, but the Examiner ignored the Applicant's request for withdrawal of the final status and merely reiterated that "Applicant introduced [*sic*] new limitations to independent claims 1 and 10 in the response filed March 7, 2005" (*Advisory Action*, page 2) *without* addressing the fact that the Examiner had already rejected those "new limitations" under other prior art grounds and changed the rejections even though no further amendments had been made. In view of the foregoing, Applicant respectfully requests that the Board consider the Examiner's rejections in view of the clear and willful impropriety with which the Examiner has conducted his examination.

B. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 1 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In the final Office Action, the Examiner stated that "the Examiner is unclear how the browser may be redirected or transmitted to a printing service on a network." *Final Office Action* of February 10, 2006, page 2. In response, Applicant noted that the process described in claims 1 and 10 is described in detail in relation to Figures 8 and 9 of Applicant's specification, and referred the Examiner to the description found on page 25, line 8 to page 28, line 9 of Applicant's specification for an explanation of how the browser is redirected or transmitted to a printing service on a network. *Response* of March 30,

2006, page 11. In the Advisory Action, however, the Examiner maintained the rejection. *Advisory Action*, page 2.

Below Applicant reproduces page 25, line 8 to page 28, line 9 of Applicant's specification, which was identified to the Examiner:

Beginning with block 800, direct connection between the client device 302 and the local printing device is established. This connection can be facilitated by wire (e.g., through a USB cable) or wirelessly (e.g., through RF or IR transmission). In addition, the connection can have been established in various different ways. For instance, the connection can have been established due to an initial communication transmitted from the client device 302 to the printing device in response to a user command or automatically as a consequence of the proximity between the client device and the printing device. In another scenario, the connection can have been established by an initial communication sent by the printing device. For example, the printing device can be configured to issue periodic communications (e.g., pings) to determine if client devices capable of communicating back are within range.

In any case, the connection can then be detected, as indicated in block 802. Which component detects this connection may, however, depend upon the configuration of the underlying system. For example, where the system is configured as that shown in FIG. 3, the connection may be detected by the imaging extension 310 stored on the client device 302. Alternatively, where the system is configured as that shown in FIG. 4, the connection may be detected by the direct connection manager 420 described above. Irrespective of which component detects the connection, flow continues to decision element 804 at which it is determined whether the printing device is network-enabled, i.e., whether its printing services can be accessed with a browser. If not, the printing service must be accessed in a more conventional manner and flow is terminated. *If the device is network-*

enabled, however, flow continues to block 806 at which the address (e.g., URL) of the printing service is obtained by the imaging extension 310 or the direct connection manager 420. This service may be hosted by the local printing device. Notably, however, this address may be that of a remote service responsible for representing the local printing device. By way of example, this information can be obtained by querying the printing device. Alternatively, where the printing device is configured for such operation, the printing device can have automatically provided this information in one of the communications it previously sent to the client device 302.

At this point, the address can be stored as a current temporary print destination, as indicated in block 808, and the temporary print destination designated as the current default destination as indicated in block 810. The nature of these steps may again depend upon the configuration of the system. For example, where the system is configured as indicated in FIG. 3, the imaging extension 310 can maintain an internal record of the current default destination such that, when called upon by the generic access instructions 308 that are downloaded into the browser 304, the user's browser 304 will be redirected directly to the print service of the local print device when a "print" command is selected. Where the system is configured as indicated in FIG. 4, the direct connection manager 420 can have communicated with the personal imaging repository 320, e.g., the user profile 326, to instruct it that the current default destination is the print service of the local printing device and provide its address, in effect overriding the preferred printing destination stored within the repository.

With reference to decision element 812, the default destination will continue to be the temporary print destination (i.e., the print service of the local printing device) until such time when the direct connection between the client device 302 and the local printing device is severed. At that time, flow continues to block 814 at which the designation of the temporary print destination as the default destination is removed. Normally, the removal of the designation entails the reverse of the procedure used in block 810.

Accordingly, where the system is configured as shown in FIG. 3, the imaging extension 310 will note that the temporary print destination no longer is to be used as the default and, where the system is configured as shown in FIG. 4, the direct connection manager 420 will communicate the same to the personal imaging repository 320.

With the process described in relation to FIG. 8, the user will be able to directly access the printing service of the local printing device. FIG. 9 describes an example of operation from this point on. Beginning with block 900 of FIG. 9A, the imaging destination 104 (i.e., printing service) is first accessed. *By way of example, the process can have been initiated by selecting "print" from a network-based imaging service. With the entry of this command, the printing service can be accessed by way of the imaging extension 310, which now has the address of the printing service (FIG. 3), or the imaging extension 412, which can obtain the address of the printing service from the personal imaging repository 320 (FIG. 4).* Once the printing service is accessed, it downloads content 306 into the user's browser 304, as indicated in block 902. This content 306 normally includes various text and/or graphics that are displayed to the user to facilitate interfacing between the user and the service. Where the system is arranged as shown in FIG. 3, the content 306 can also include generic access instructions 308 that call on methods of the imaging extension 310 of the browser 304 so that the user's personal imaging repository 320 can be accessed. Where the system is arranged as shown in FIG. 4, the imaging extension 418 of the imaging destination can be used to access the personal imaging repository 320. In this latter case, the imaging extension 418 knows the location of the personal imaging repository 320 from information provided to the imaging destination with, for example, a redirection address (e.g., URL).

Applicant's specification, page 25, line 8 to page 28, line 9 (emphasis added).

In view of the above, Applicant expressly describes: (a) obtaining a URL of a printing service, (b) designating the URL as the address of the "default print destination", and (c) redirecting the user's browser to the printing service when a "print" command is received in the browser. Applicant submits that the above-described process would be clear to a person having ordinary skill in the art and is consistent with Applicant's recited "designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received" and "automatically redirecting the user browser to the network-based printing service" of claims 1 and 10. Therefore, Applicant submits that the metes and bounds of claims 1 and 10 are readily determinable and that those claims are not indefinite. Applicant therefore respectfully requests that the Board overturn the rejection to claims 1 and 10.

The Examiner also stated in the final Office Action that claims 1 and 10 do not "specify whether the user browser obtains a network based printing service or any software or device." *Final Office Action* of February 10, 2006, page 2. Applicant responded by stating that the Examiner's rejection is unclear to the Applicant and requesting clarification. *Response* of March 30, 2006. The Examiner has provided no such clarification, however, and it is unclear from the Advisory Action as to whether the rejection is maintained on these grounds. Regardless, Applicant asserts that what claims 1 and 10 do or do not specify relates to the *scope* of the claims and not to their definiteness. Therefore, Applicant has the right to include or exclude details as to the claimed invention as long as Applicant does so without rendering the claims indefinite. Given that Applicant believes the meaning of claims 1 and 10 to be clear, particularly in

view of Applicant's disclosure, Applicant respectfully requests that the Board also overturn the second ground of rejection posed against claims 1 and 10.

C. Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-4, 6, 8-14, and 20-43 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Savitzky, et al.* ("Savitzky," U.S. Pat. No. 6,012,083). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the Savitzky reference. Applicant discusses the Savitzky reference and Applicant's claims in the following.

1. The Savitzky Disclosure

Savitzky discloses a method and apparatus for document processing. *Savitzky*, Patent Title. As is described by Savitzky, an agency 10 is "interposed between" Web clients 12 and Web servers 10. *Savitzky*, column 5, lines 13-14. The agency includes a resolver 24 that processes "transactions" using agents 30. *Savitzky*, column 5, lines 30-32. The transactions comprise the various operations that are to be performed on behalf of a user. *Savitzky*, column 8, lines 59-65. The resolver matches the transactions or

operations with agents based upon their “interest” in completing the operations. *Savitzky*, column 5, line 66 to column 6, line 1; column 7, lines 36-37.

In one embodiment described in relation to Figure 5, *Savitzky* discloses a printer agency 60 that is “interposed between” a printer 62 and a document-centric network. *Savitzky*, column 12, lines 42-44. The printer agency 60 is used to provide an interface to the printer 62. *Savitzky*, column 12, lines 66-67. When the user browses to the printer agency via a browser 64, the user can send a request for an HTML document 66 to the printer agency. *Savitzky*, column 13, lines 2-3. In response, the printer agency obtains the document and renders it in the browser along with a “PRINT” button. *Savitzky*, column 13, lines 3-7. The user can then send the document to the printer by selecting the “PRINT” button. *Savitzky*, column 13, lines 9-11.

2. Applicant’s Claims

As noted above, *Savitzky* fails to teach several of Applicant’s claim limitations. Applicant discusses some of those claim limitations in the following.

a. Claims 1-4, 6, 8, 9, 20-34, and 40-42

Applicant’s claim 1 provides as follows (emphasis added):

1. A method for printing on a local printing device using a network-based printing service associated with the local printing device, the method comprising:

obtaining a network address of the network-based printing service;
designating the network-based printing service address as a default destination such that a user browser executing on a client device is

redirected directly to the network-based printing service when a print command is received;

receiving a print command provided to an imaging service with the user browser;

automatically redirecting the user browser to the network-based printing service;

accessing image data from a personal imaging repository with the network-based printing service; and

initiating a print job on the local printing device with the network-based printing service.

Regarding claim 1, Savitzky does not teach “designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received”. Contrary to that alleged in the final Office Action, column 12, line 42 to column 13, line 14 do not provide such a teaching. Specifically, Savitzky does *not* describe “designating” a network-based print service address as a “default destination such that a user browser . . . is redirected directly to the network-based printing service when a print command is received”. Instead, as explained above, a user simply browses to the printer agency 60 to print in the Savitzky system. No “default designation” is made and no “redirection” to a printing service occurs in Savitzky’s process.

Savitzky also does not teach “automatically redirecting the user browser to the network-based printing service”. Again, *no* redirection to a printing service occurs in Savitzky’s process.

Savitzky also does not teach “accessing image data from a personal imaging repository with the network-based printing service”. Although Savitzky generally mentions “obtaining” a document to be printed, no reference is made to any “personal imaging repository”.

In view of the above, Savitzky fails to teach several of the limitations of Applicant’s claim 1. Therefore, claim 1 and its dependents are allowable over Savitzky. Applicant therefore respectfully requests that the rejections as to those claims be overturned.

The claims that depend from claim 1 contain further limitations that are not taught by Savitzky. For example, regarding dependent claim 2, Savitzky does not teach “receiving” a universal resource locator (URL) of a network-based printing service. Instead, as noted above, the user simply browses to Savitzky’s “print agency.” No component sends or otherwise provides the URL to the user in Savitzky’s system.

Regarding dependent claim 4, Savitzky does not teach “updating a record of a current default destination with an imaging extension”. First, Savitzky does not teach “updating a record of a current default destination”. Simply stated, no “record” of any “current default destination” is used in Savitzky’s system. Second, Savitzky does not describe any “imaging extension” that performs such updating.

Regarding dependent claim 6, Savitzky does not teach “instructing a personal imaging repository that stores image data available for printing to designate the network-based printing service address as the default destination”. Again, Savitzky does not contemplate the concept of “designating” a printing service as any “default destination”. Instead, the user simply browses to the printing service on his or her own volition.

Regarding dependent claim 9, Savitzky does not teach “removing the designation of the network-based printing service address as a default destination”. Again, Savitzky does not contemplate the concept of “designating” a printing service as any “default destination”.

Regarding dependent claim 20, Savitzky does not teach a network-based printing service that is “hosted by the local printing device”. Simply stated, Savitzky is silent to a “printing device” hosting Savitzky’s “print agency,” which is relied upon by the Examiner for accounting for Applicant’s claimed “network-based printing service”. Applicant notes that column 13, lines 1-26 of the Savitzky reference, identified by the Examiner, says nothing about a “printing device” hosting the printer agency. Moreover, Figure 5, identified by the Examiner, actually shows the “printer agency 60” as being separate from the “laser printer 62.” Therefore, that Figure supports Applicant’s case, not the Examiner’s case.

Regarding dependent claim 22, Savitzky does not teach “obtaining the network address from an imaging extension”. Once again, Savitzky does not teach “obtaining” a network address of a printing service. Instead, the user simply browses to the service (i.e., “print agency”). Second, no “imaging extension” is described by Savitzky as providing such a network address.

Regarding dependent claims 23 and 24, Savitzky does not teach an “imaging extension” that obtains a “network address of a printing service being part of a user browser” or a “remote network server”. Again, Savitzky does not discuss any “imaging extension” or that imaging extension “obtaining” a network address of a printing service.

Regarding dependent claim 25, Savitzky does not teach an “imaging extension” that “obtains the network address by querying the local printing device”. Again, no

“imaging extension” is taught by Savitzky. Moreover, no “address” whatsoever is “obtained” from a “printing device”. Instead, in Savitzky’s system, a user browses to a print agency, which then selects a printer to print a job for the user. The user has little if any interaction with Savitzky’s printer.

Regarding dependent claims 26 and 27, Savitzky does not teach “obtaining the network address from a direct connection manager that executes on the client device” or that the manager “obtains the network address by querying the local printing device”. Again, Savitzky does not teach “obtaining” a network address of any printing service. Moreover, that address is certainly not obtained by “querying” any “printing device.”

Regarding dependent claims 28 and 29, Savitzky fails to teach an “imaging extension” that updates a record of a current default destination, whether it be part of the “user browser” or a “remote network server”.

Regarding dependent claim 30, Savitzky does not mention “accessing the image data using an imaging extension”. Instead, Savitzky teaches a user identifying an HTML document to be printed. No “imaging extension” is described as accessing the document.

Regarding dependent claim 31, Savitzky does not teach an “imaging extension” that “comprises part of the user browser” or “downloading generic access instructions from the network-based printing service to the imaging extension to call on the imaging extension to access the personal imaging repository”. Simply stated, Savitzky fails to teach an “imaging extension” or that “instructions” are downloaded to “call on the imaging extension to access” a “personal imaging repository”.

Regarding dependent claims 32 and 34, Savitzky fails to teach an “application programming interface (API)”. Column 21, lines 50-67 of the Savitzky reference do not

mention any such API, or that it performs the functions explicitly described in Applicant's claims.

Regarding dependent claim 33, Savitzky does not teach an "imaging extension" that executes on a "remote network server" for reasons described above.

In view of the foregoing, it is clear that Savitzky fails to teach nearly each of claims 1-4, 6, 8, 9, 20-34, and 40-42. Accordingly, Applicant respectfully requests that the rejections be overturned.

b. Claims 10-14, 35-39, and 43

Applicant's claim 10 provides as follows (emphasis added):

10. A system for printing on a local printing device using a network-based printing service associated with the local printing device, the system comprising:

means for obtaining a network address of the network-based printing service; and

means for designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received;

means for automatically redirecting the user browser to the network-based printing service when a print command is received by an imaging service via the user browser;

means for accessing image data from a personal imaging repository with the network-based printing service; and

means for initiating a print job on the local printing device with the network-based printing service.

Regarding independent claim 10, Savitzky does not teach any of “means for designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received”, “means for automatically redirecting the user browser to the network-based printing service when a print command is received by an imaging service via the user browser”, or “means for accessing image data from a personal imaging repository with the network-based printing service” at least for reasons described above in relation to claim 1. Therefore, claim 10 and its dependents are allowable over Savitzky. Applicant therefore respectfully requests that the rejections as to those claims be overturned.

Regarding dependent claim 12, Applicant refers to the discussion of claim 28 above.

Regarding dependent claim 13, Applicant refers to the discussion of claim 26 above.

Regarding dependent claim 35, Applicant refers to the discussion of claim 22 above.

Regarding dependent claim 36, Applicant refers to the discussion of claim 23 above.

Regarding dependent claim 37, Applicant refers to the discussion of claim 25 above.

Regarding dependent claim 38, Applicant refers to the discussion of claim 26 above.

Regarding dependent claim 39, Applicant refers to the discussion of claim 27 above.

Regarding dependent claim 43, Applicant refers to the discussion of claim 9 above.

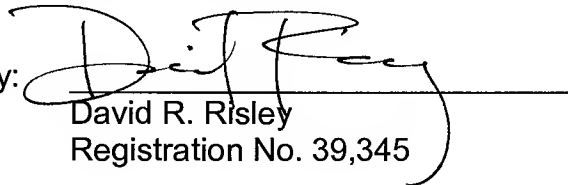
In view of the foregoing, it is clear that Savitzky fails to teach nearly each of claims 10-14, 35-39, and 43. Accordingly, Applicant respectfully requests that the rejections be overturned.

VIII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By:


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Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1. A method for printing on a local printing device using a network-based printing service associated with the local printing device, the method comprising:

obtaining a network address of the network-based printing service;

designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received;

receiving a print command provided to an imaging service with the user browser;

automatically redirecting the user browser to the network-based printing service;

accessing image data from a personal imaging repository with the network-based printing service; and

initiating a print job on the local printing device with the network-based printing service.

2. The method of claim 1, wherein obtaining a network address comprises receiving a universal resource locator (URL) of the network-based printing service.

3. The method of claim 2, wherein the network-based printing service comprises a web site.

4. The method of claim 1, wherein designating the network-based printing service address as a default destination comprises updating a record of a current default destination with an imaging extension.

5. (Canceled)

6. The method of claim 1, wherein designating the network-based printing service address as a default destination comprises instructing a personal imaging repository that stores image data available for printing to designate the network-based printing service address as the default destination.

7. (Canceled)

8. The method of claim 1, further comprising first detecting a direct connection between a client device and the local printing device.

9. The method of claim 8, further comprising removing the designation of the network-based printing service address as a default destination when a connection between the client device and the local printing device is severed.

10. A system for printing on a local printing device using a network-based printing service associated with the local printing device, the system comprising:

means for obtaining a network address of the network-based printing service;
and

means for designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received;

means for automatically redirecting the user browser to the network-based printing service when a print command is received by an imaging service via the user browser;

means for accessing image data from a personal imaging repository with the network-based printing service; and

means for initiating a print job on the local printing device with the network-based printing service.

11. The system of claim 10, wherein the means for obtaining a network address comprise means for receiving a universal resource locator (URL) of the network-based printing service.

12. The system of claim 10, wherein the means for designating the network-based printing service address as a default destination comprise an imaging extension of the user browser.

13. The system of claim 10, wherein the means for designating the network-based printing service address as a default destination comprise a direct connection manager of the client device used to connect with the local printing device.

14. The system of claim 10, further comprising means for detecting direct connection between the client device and the local printing device.

15-19. (Canceled)

20. The method of claim 1, wherein the network-based printing service is hosted by the local printing device.

21. The method of claim 1, wherein the network-based printing service is hosted by a remote network server.

22. The method of claim 1, wherein obtaining a network address of the network-based printing service comprises obtaining the network address from an imaging extension.

23. The method of claim 22, wherein the imaging extension comprises part of the user browser.

24. The method of claim 22, wherein the imaging extension executes on a remote network server.

25. The method of claim 22, wherein the imaging extension obtains the network address by querying the local printing device.

26. The method of claim 1, wherein obtaining a network address of the network-based printing service comprises obtaining the network address from a direct connection manager that executes on the client device.

27. The method of claim 26, wherein the direct connection manager obtains the network address by querying the local printing device.

28. The method of claim 4, wherein the imaging extension comprises part of the user browser.

29. The method of claim 4, wherein the imaging extension executes on a remote network server.

30. The method of claim 1, wherein accessing image data from a personal imaging repository comprises accessing the image data using an imaging extension.

31. The method of claim 30, wherein the imaging extension comprises part of the user browser and accessing image data further comprises downloading generic access instructions from the network-based printing service to the imaging extension to call on the imaging extension to access the personal imaging repository.

32. The method of claim 31, wherein the imaging extension comprises at least one application programming interface (API).

33. The method of claim 30, wherein the imaging extension executes on a remote network server.

34. The method of claim 33, wherein the imaging extension comprises at least one application programming interface (API).

35. The system of claim 10, wherein the means for obtaining a network address of the network-based printing service comprise an imaging extension.

36. The system of claim 35, wherein the imaging extension comprises part of the user browser.

37. The system of claim 36, wherein the imaging extension obtains the network address by querying the local printing device.

38. The system of claim 10, wherein the means for obtaining a network address of the network-based printing service comprise a direct connection manager that executes on the client device.

39. The system of claim 38, wherein the direct connection manager obtains the network address by querying the local printing device.

40. The system of claim 1, wherein the means for accessing image data from a personal imaging repository comprise an imaging extension.

41. The system of claim 40, wherein the imaging extension comprises part of the user browser and receives calls from generic access instructions downloaded into the user browser from the network-based printing service to the imaging extension to call on the imaging extension to access the personal imaging repository.

42. The system of claim 41, wherein the imaging extension comprises at least one application programming interface (API).

43. The system of claim 10, further comprising means for removing the designation of the network-based printing service address as a default destination when a connection between the client device and the local printing device is severed.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.